

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

MONROE LIPSEY, on behalf of  
himself and other similarly situated  
employees,

Case No: 3:17-CV-1915-D

Plaintiff,

-vs-

RETREAT CAPITAL  
MANAGEMENT, INC., D/B/A  
ALLSEC FINANCIAL SERVICES, a  
California Corporation,

Defendant.

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**RULE 26(F) REPORT OF THE PARTIES' PLANNING MEETING AND  
SCHEDULING PROPOSAL**

Pursuant to the Court's September 26, 2017 Order and the requirements of Fed. R. Civ. P. 26(f), the parties held a Rule 26(f) conference on October 17, 2017 in Houston, Texas and established the following scheduling proposal and discovery plan:

1. Proposed deadlines for limiting the time to:
  - a. join parties shall be December 1, 2017.
  - b. to amend pleadings shall be December 1, 2017.
  - c. to file motions, including summary judgment and other dispositive motions shall be August 24, 2018.
  - d. complete discovery shall be July 20, 2018.
  - e. designate expert witnesses and rebuttal expert witnesses and make expert disclosures required by Rule 26(a)(2) shall be January 31, 2018 for the plaintiff and March 2, 2018 for the defendant.
2. The parties' views and proposals on the matters listed in Rule 26(f)(3)(A)-(F):
  - o (A) The parties shall serve initial disclosures required by Rule 26(a)(1) by November 17, 2017.

- (B): Subjects of discovery:
  - Plaintiff's allegations and claims as set forth in the Complaint;
  - Plaintiff's claims for damages;
  - The classification of Plaintiff and putative class members as employees or independent contractors
  - Any defenses Defendant asserts in its answer, including any exemption defenses; and
  - All other issues raised by the pleadings.
  - The Parties do not believe discovery should be completed in phases and the proposed discovery deadline is July 20, 2018.
- (C): No issues at this time. The Parties discussed the types of items which should be preserved for this litigation. The Parties will use PDF format to produce documents or another agreeable format.
- (D): The parties have agreed to request the Court to enter provisions to govern inadvertent production of privileged information. Specifically, the Parties request the Court to enter an order as permitted by FED. R. EVID. 502(d) that provides that no privilege or protection is waived by inadvertent production of otherwise privileged documents, data or information in this litigation, or any other federal or state court proceeding.
- (E): None at this time, but the Parties agree that they are free to seek leave of court at a later time for any additional discovery (if needed).
- (F): None at this time.

3. Trial by Magistrate Judge: All parties do not consent to having this case tried before a magistrate judge of this Court.

4. Alternative Dispute Resolution: The Parties agree that mediation would be effective after initial adequate discovery has been completed.

5. Clara H. Saafir, Esq. of The Witherspoon Law Group, PLLC, is designated local counsel for Plaintiff and entered her appearance at the time of the filing of the Complaint.

6. Plaintiff filed his Certificate of Interested Persons on July 19, 2017 (D.E. 4). Defendant filed its Certificate of Interested Persons on September 15, 2017 (D.E. 15).

Respectfully submitted this 24<sup>th</sup> day of October, 2017.

<p><b><u>/s/ C. RYAN MORGAN</u></b></p> <p>C. Ryan Morgan, Esq. Florida Bar. No. 0015527 <i>Pro Hac Vice</i> Morgan &amp; Morgan, P.A. 20 N. Orange Ave., 14th Floor P.O. Box 4979 Orlando, FL 32802-4979 Telephone: (407) 420-1414 Facsimile: (407) 245-3401 Email: <a href="mailto:RMorgan@forthepeople.com">RMorgan@forthepeople.com</a> Email: <a href="mailto:CLeach@forthepeople.com">CLeach@forthepeople.com</a></p> <p>-and-</p> <p>Andrew. R. Frisch, Esq. Florida Bar No. 27777 <i>Pro Hac Vice forthcoming</i> Morgan &amp; Morgan, P.A. 600 N. Pine Island Road, Suite 400 Plantation, FL 33324 Telephone: (954) WORKERS Facsimile: (954) 327-3013 E-mail: <a href="mailto:AFrisch@forthepeople.com">AFrisch@forthepeople.com</a></p> <p>Clara H. Saafir, Esq. Texas Bar No. 24037414 The Witherspoon Law Group, PLLC 1717 McKinney Avenue, Suite 700 Dallas, TX 75202 Telephone: (214) 773-1133 Facsimile: (972) 696-9982 <a href="mailto:saafir@twlglawyers.com">saafir@twlglawyers.com</a></p>	<p><b><u>/s/ STEWART HOFFER</u></b></p> <p>Stewart Hoffer, Esq. SDTX No. 20123 Texas Bar No. 00790891 Fran R. Aden, Esq. SDTX No. 611072 Texas Bar No. 24050202 HICKS THOMAS, LLP 700 Louisiana – Suite 2000 Houston, TX 77002 Telephone: (713) 547-9100 Facsimile: (713) 547-9150 E-mail: <a href="mailto:shoffer@hicks-thomas.com">shoffer@hicks-thomas.com</a>, <a href="mailto:faden@hicks-thomas.com">faden@hicks-thomas.com</a></p> <p><b><i>Attorneys for Defendant</i></b></p> <p><b><i>Attorneys for Plaintiff(s)</i></b></p>
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